

REMARKS***Preliminary Comments***

The applicants would like to thank Examiner Lee for his indication of allowable subject matter in the previous office action as well as his assistance during a telephone conversation with the applicants representative on 28 April 2003 about possible amendments to the pending claims.

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

Necessity of Amendments

At the outset, Applicants wish to address the showing required under 37 CFR § 1.116(a) regarding why the amendments above are necessary and were not presented earlier. According to MPEP 714.13 (Amendments After Final Rejection or Action, Procedure Followed - Action by Examiner), there are four grounds (cited as (A)-(D)) upon which the examiner may elect not to enter the applicants amendment. Each ground is addressed below:

- (A) The claims as amended represent a narrower embodiment of the applicants originally claimed invention (applicants reserve the right to pursue broader scope of the original claims in continuing application) and as such it is believed that the amended claims are now in condition for allowance or at the very least simplifies the issues for appeal.
- (B) It is believed that no new matter has been entered.
- (C) The amended claims represent a narrower embodiment of the applicants invention as claimed prior to the issuance of the examiner's final rejection and as such no new issues are raised which require further consideration or search.
- (D) The amendment does not present any additional claims (two claims were cancelled and two claims were added; added claims 12 and 13 re-insert the sub-ranges cancelled from claims 8 and 9 respectively).

In view of the foregoing, Applicants respectfully request that the Examiner enter and consider the amendments above.

Rejections Under 35 U.S.C. 102(b) and 103(a)

It is believed that the amendment to claim 1 renders the previous rejections moot.

Closing

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment under 37 CFR § 1.116 (6 pages total) is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: 29 April 2003

By: Vilma I. Fernandez

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